

EPA's Comments to DEQ's 2008 2nd quarter exception report

Since EPA will be discussing specific issues with DEQ programs during the mid-year meeting, EPA is providing the following brief comments to DEQ's 2nd quarter exceptions report and providing additional or detailed comments in the programmatic meetings.

Overall Comments

A suggested change in the exceptions report: In the column for "Target" and "Actual" dates for task completion, that there is also an "Adjusted Target" for off-target tasks.

WTR 2 - TMDL, Monitoring, and Assessment

EPA acknowledges that DEQ has not submitted a finalized CWA 305(b) and 303(d) integrated report for 2006.

WTR 3 – NPS and PPG

EPA acknowledges that we have not yet received the annual NPS report, which was due October 1, 2007. Otherwise, the Planning Section and EPA have made great strides in improving the NPS and grants programs.

WTR 4 – Border

No comments.

WTR 5 – CWA

AZPDES Permits

ADEQ has consistently maintained development and issuance of very high quality permits and fact sheets.

Backlog: ADEQ appears to be in a good position to improve backlog by the end of the year. ADEQ has issued 24 individual permits during the first half of the year, an impressive accomplishment. We note that ADEQ is not updating PCS regularly, and therefore EPA's backlog statistics are not in line with ADEQ's. ADEQ is on track to issue priority permits identified for 2008.

Stormwater Program:

Overall, ADEQ continued to make good progress in the implementation of the stormwater permit program. We are pleased to see that ADEQ public noticed a new construction general permit in November 2007. This should allow reissuance either prior to the expiration of the existing general permit or shortly thereafter. At the previous end-of-year review in September 2007, ADEQ had completed review of 39 of 41 Phase II SWMPs. As such, ADEQ is well on its way to completing its review of all Phase II

SWMPs by June 2008 as called for in the workplan. The exceptions report says that ADEQ is on-target for reissuing six Phase I MS4 permits by June 2008. This seems ambitious and we should discuss further during the mid-year meeting. The report also indicates that ADEQ is on track to reissue its industrial permit by June 2008. However, given the absence of EPA's final MSGP to serve as a model, this may be optimistic. We are also pleased that ADEQ continues to successfully implement the construction stormwater program including the processing of over 3,000 NOIs per year.

WTR 6 – Drinking Water

No comments.

WTR 7 – CWA Compliance

This year a contract was awarded to Tetra Tech for pretreatment at Nogales, a report was submitted by Tetra Tech to DEQ for review. There is also a need to evaluate regulations to determine adequacy in light of changes to the federal rule.

WTR 9 - Source Water Protection

No comments.